

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, May 15, 1871. }

Senate met pursuant to adjournment; President Campbell, presiding.

Roll called; quorum present.

Absent--excused--Senator Evans.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

Special message from the Governor by his private Secretary, Mr. Britton, as follows:

GOVERNOR'S OFFICE,
AUSTIN, May 15, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to the Senate, where it originated, the joint resolution entitled "Joint resolution for the relief of Dillard Cooper."

This resolution is stated to be based upon "an act approved January 13, 1862," but that act, under section thirty-three, of article twelve of the Constitution, is not "binding upon the people of the State of Texas." The Legislature is further (by section thirty-four of same article) forbidden to make any provision for the acknowledgment or payment of debts incurred between January 28, 1861, and August 5, 1865.

Respectfully,

EDMUND J. DAVIS,
Governor.

Message read.

Senator Tendick moved to refer the message to a select committee.
Lost.

On motion of Senator Fountain, the Senate proceeded to consider the message.

The question being, "Will the Senate, upon reconsideration, agree to pass the resolution?" (Senate joint resolution No. 26 for the relief of Dillard Cooper,) the Senate, upon reconsideration, refused to pass the resolution by the following vote:

Yeas--Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Hall, Hillebrand, Latimer, Pickett, Pyle, Shannon, Tendick--13.

Nays--Mr. President, Baker, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby Saylor--13.

GOVERNOR'S OFFICE,
AUSTIN, May 15, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: I return to the Senate, where it originated, the act entitled "An act authorizing the county courts to sell the school lands situated in their respective counties." The school lands referred to in this act belong to the Common School Fund, and the people of the counties wherein they are situated have no more interest in them and are entitled to no more control over them than the people of other counties; yet it is here proposed practically to surrender them altogether to the will and disposition of the former, as expressed through their respective county or police courts.

These lands are now very valuable, and are constantly becoming more so. If they are let alone they will, within a few years, yield a fund sufficient of itself to support the school system of the State. The disposition of them made by the present act opens the door in a dozen ways to fraudulent combinations, whereby they may pass from the school fund for the trifling share of their true value. Every section of the act from the first to the seventeenth, inclusive, contains some one or more provisions so manifestly calculated to encourage and facilitate combinations of the character above mentioned that it is hard to say which of them is the most dangerous.

These lands are rapidly increasing in value, and I therefore suggest that they be not sold at present, but that provision be made for the care and preservation of the timber thereon. If, however, the Legislature should disagree with me in this regard, then I suggest that all sales be conducted under and by direction of the Commissioner of the General Land Office or Superintendent of Instruction, or of both.

Very respectfully,

EDMUND J. DAVIS,
Governor.

Message read.

Senator Fountain moved that the message be referred to a select committee. Carried.

The President appointed as such committee Senators Fountain, Dohoney and Gaines.

GOVERNOR'S OFFICE,
AUSTIN, May 15, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: I return to the Senate, where it originated, the act entitled

"An act to authorize the Galveston, Harrisburg and San Antonio Railway Company, to unite or consolidate its railroad with connecting roads." This act proposes to give the said railway the unlimited right to consolidate with all other roads. Nothing can be further from the true interests of the people of Texas, than to allow the railways to become consolidated under one company. In many States their Constitutions forbid this in positive terms; and where the roads are not connecting parts of a trunk road, running in one general direction, it should always be prohibited in the grant of charters.

Very respectfully,

EDMUND J. DAVIS,
Governor.

Message read.

Senator Flanagan moved that the message be referred to a select committee of three. Carried.

The President appointed as such committee, Senators Flanagan, Parsons and Mills.

GOVERNOR'S OFFICE.
AUSTIN, May 15, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : I return to the Senate, where it originated, the act entitled "An act to incorporate the Calvert and Belton Railroad Company."

This act, among other objections, is liable to that one especially indicated in my message returning to the Senate the act of incorporation of the Galveston and Denver Air Line Railway Company. But it is even more objectionable than the latter act in that respect. Section seven gives the company the unlimited right to enter upon and take possession of the property of any citizen without making compensation either before or after the entry, and in total disregard of his rights.

Of other objectionable features I will point out the authority to consolidate generally with all other roads given by section six, the omission in section eleven to limit the amount of capital stock, and the provision in section fifteen looking to donations of land to the road should the present Constitution be amended in that particular.

It is very doubtful whether legislation looking to such a change, but enacted before the change is made, and therefore void, would ever have any force or validity unless the amendment provided directly for its ratification. But if it should be held otherwise then the

public lands are already fully disposed of by force of charters now existing.

Very respectfully,

EDMUND J. DAVIS,
Governor.

Message read.

Senator Hall moved that the message be referred to a select committee of three. Carried.

President appointed as such committee, Senators Hall, Pridgen and Douglass.

Senator Fountain moved that the special order for 11 A. M. to-day, House bill No. 472, "An act for the relief of the heirs and assignees of James Powers and James Hewitson," and the special order for to-morrow at 11 A. M., Senate bill No. 364, and substitute for Senate bill No. 364, "An act to establish a manual labor, poor house and convict labor system in each county in the State," be each postponed for twenty-four hours from the hour fixed for their consideration. Carried.

Senator Gaines offered the following resolution, which was adopted:

Resolved, That the members of this Senate deeply sympathize with the Hon. George H. Slaughter, member of the House of Representatives, in his bereavement, and that this Senate stand adjourned until 10 o'clock to-morrow morning.

So the Senate, at 10:45 A. M., adjourned to 10 A. M. to-morrow.
